THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte JOHN W. ELSING, KENT J. FORBORD
and BLAINE T. PETERSON

_____

Appeal No. 95-4789
Application 08/146,311[1]

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ON BRIEF

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Before KRASS, TORCZON and CARMICHAEL, ***Administrative Patent Judges***.

CARMICHAEL, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-34, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

1. A data storage apparatus, including:

[1] Application for patent filed November 2, 1993.

a disk drive housing having first and second opposed housing walls, and an elongate spindle shaft having first and second opposite shaft ends and supporting at least one data storage disk for rotation relative to the spindle about a spindle axis;

a substantially rigid but elastically deformable fastener inserted axially into the spindle shaft via the first shaft end, and having an enlarged head;

a substantially rigid but elastically deformable alignment means surrounding the fastener and having: a frusto-conical first inner guide surface converging in an axially inward direction toward the spindle shaft and engaged with the enlarged head; a frusto-conical second inner guide surface diverging in the axially inward direction and engaged with the first shaft end; and a radially outward edge surrounded by a rim of the first wall;

wherein the fastener is so inserted to a predetermined axial location beyond a point at which the first and second inner guide surfaces engage the head and the first shaft end, respectively, to cause a residual axial tensile force in said fastener while urging the radially outward edge into a firm contact engagement with the rim, thereby radially aligning and integrally securing the first shaft end with respect to the first wall; and

a means for mounting the second shaft end integrally with respect to the second wall whereby the spindle shaft spans the distance between the first and second walls and supports the at least one disk for rotation inside the housing.

The Examiner’s Answer cites no prior art.

OPINION

The claims stand rejected under 35 U.S.C. § 112, first and second paragraphs, as allegedly non-enabled and indefinite. We reverse for the reasons given by appellants and for the following additional reasons as well.

The examiner admits that the application has adequately disclosed two embodiments, but says that the disclosure does not enable practice of the invention as broadly as the claims recite. The examiner apparently agrees that the broadest claims are generic to both embodiments. Examiner's Answer at 4.

If an invention pertains to an art where the results are predictable, e.g., mechanical as opposed to chemical arts, a broad claim can be enabled by disclosure of a single embodiment. ***Spectra-Physics Inc. v. Coherent Inc.***, 827 F.2d 1524, 3 USPQ2d 1737 (Fed. Cir. 1987). ***Cf. In re Corkill***, 771 F.2d 1496, 1501, 226 USPQ 1005, 1009 (Fed. Cir. 1985) (chemical arts).

The present invention pertains to a predictable art, and the examiner does not contend otherwise. We are at a loss to find any basis in the law for the examiner's rejections. The rejections appear to be inappropriate "undue breadth" rejections. ***See In re Chupp***, 816 F.2d 643, 647, 2 USPQ2d 1437, 1440 (Fed. Cir. 1987).

CONCLUSION

The rejections of claims 1-34 are not sustained.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)	
RICHARD L. TORCZON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JAMES T. CARMICHAEL Administrative Patent Judge	)	

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